

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2007-1005-AIR-E   **TCEQ ID:** RN102565868   **CASE NO.:** 33959  
**RESPONDENT NAME:** Big Tex Trailer Manufacturing, Inc.

Page 1 of 2

|   |   |   |
|---|---|---|
| <b>ORDER TYPE:</b>  |   |   |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER   | <input type="checkbox"/> FINDINGS AGREED ORDER              | <input type="checkbox"/> FINDINGS ORDER FOLLOWING<br>SOAH HEARING       |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER   | <input type="checkbox"/> SHUTDOWN ORDER                     | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL<br>ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER  | <input type="checkbox"/> EMERGENCY ORDER                    |   |
| <b>CASE TYPE:</b>   |   |   |
| <input checked="" type="checkbox"/> AIR   | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS<br>WASTE              |
| <input type="checkbox"/> PUBLIC WATER SUPPLY  | <input type="checkbox"/> PETROLEUM STORAGE TANKS            | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION                     |
| <input type="checkbox"/> WATER QUALITY  | <input type="checkbox"/> SEWAGE SLUDGE                      | <input type="checkbox"/> UNDERGROUND INJECTION<br>CONTROL               |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE  | <input type="checkbox"/> RADIOACTIVE WASTE                  | <input type="checkbox"/> DRY CLEANER REGISTRATION                       |
| <p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Odessa Plant, 12400 West Interstate 20 East, Odessa, Midland County</p> <p><b>TYPE OF OPERATION:</b> Spray coating operation</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is one additional pending enforcement actions regarding this facility location, Docket No. 2007-0589-AIR-E</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on October 8, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b></p> <p style="margin-left: 20px;"><b>TCEQ Attorney/SEP Coordinator:</b> None</p> <p style="margin-left: 20px;"><b>TCEQ Enforcement Coordinator:</b> Ms. Jessica Rhodes, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-2879; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171</p> <p style="margin-left: 20px;"><b>Respondent:</b> Mr. Bob Bullard, Risk and Safety Manager, Big Tex Trailer Manufacturing, Inc., 12400 West Interstate 20 East, Odessa, Texas 79765</p> <p style="margin-left: 20px;">Mr. Stan Garrett, Controller, Big Tex Trailer Manufacturing, Inc., 12400 West Interstate 20 East, Odessa, Texas 79765</p> <p style="margin-left: 20px;"><b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p> |   |   |

| VIOLATION SUMMARY CHART:  |  |   |
|---|--|---|
| VIOLATION INFORMATION   | PENALTY CONSIDERATIONS   | CORRECTIVE ACTIONS TAKEN/REQUIRED   |
| <p><b>Type of Investigation:</b><br/> <input type="checkbox"/> Complaint<br/> <input checked="" type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 10, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> May 23, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. One violation was documented.</p> <p><b>AIR</b></p> <p>1) Failure to obtain a permit. Specifically, New Source Review Permit No. 30791 expired on July 8, 2006, and the respondent did not submit a new application until September 18, 2006 [30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH &amp; SAFETY CODE §§ 382.085(b) and 382.0518(a)].</p> | <p><b>Total Assessed:</b> \$12,000</p> <p><b>Total Deferred:</b> \$2,400<br/> <input checked="" type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$9,600</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> | <p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that on September 18, 2006, Big Tex submitted a permit application.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent:</p> <p>a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and</p> <p>b. Within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to operate a source of air emissions has been obtained or that operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance.</p> |

Additional ID No(s): ML0151K



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

TCEQ

DATES

Assigned

29-May-2007

PCW

17-Jul-2007

Screening

25-Jun-2007

EPA Due

## RESPONDENT/FACILITY INFORMATION

Respondent Big Tex Trailer Manufacturing, Inc.

Reg. Ent. Ref. No. RN102565868

Facility/Site Region 7-Midland

Major/Minor Source Minor

## CASE INFORMATION

Enf./Case ID No. 33959

Docket No. 2007-1005-AIR-E

Media Program(s) Air

Multi-Media

No. of Violations 1

Order Type 1660

Enf. Coordinator Jessica Rhodes

EC's Team Enforcement Team 4

Admin. Penalty \$ Limit Minimum \$0 Maximum \$10,000

## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$12,000

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History

0% Enhancement

Subtotals 2, 3, &amp; 7 \$0

Notes

There is no penalty adjustment.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5 \$0

Before NOV

NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent does not meet the good faith criteria.

0% Enhancement\*

Subtotal 6 \$0

\*Capped at the Total EB \$ Amount

Total EB Amounts \$288

Approx. Cost of Compliance \$3,000

SUM OF SUBTOTALS 1-7

Final Subtotal \$12,000

## OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$12,000

## STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$12,000

## DEFERRAL

20%

Reduction

Adjustment -\$2,400

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

\$9,600

Screening Date 25-Jun-2007

Docket No. 2007-1005-AIR-E

PCW

Respondent Big Tex Trailer Manufacturing, Inc.

Policy Revision 2 (September 2002)

Case ID No. 33959

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN102565868

Media [Statute] Air

Enf. Coordinator Jessica Rhodes

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

| Component                     | Number of...   | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs                          | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)  | 0                 | 0%      |
|                               | Other written NOVs   | 0                 | 0%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)   | 0                 | 0%      |
|                               | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0                 | 0%      |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)  | 0                 | 0%      |
|                               | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government  | 0                 | 0%      |
| Convictions                   | Any criminal convictions of this state or the federal government (number of counts)  | 0                 | 0%      |
| Emissions                     | Chronic excessive emissions events (number of events)  | 0                 | 0%      |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)              | 0                 | 0%      |
|                               | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)   | 0                 | 0%      |
| Please Enter Yes or No        |  |                   |         |
| Other                         | Environmental management systems in place for one year or more   | No                | 0%      |
|                               | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | No                | 0%      |
|                               | Participation in a voluntary pollution reduction program   | No                | 0%      |
|                               | Early compliance with, or offer of a product that meets future state or federal government environmental requirements  | No                | 0%      |

Adjustment Percentage (Subtotal 2) 0%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

There is no penalty adjustment.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 0%

|  |  |  |                                |  |  |   |
|--|--|--|--------------------------------|--|--|---|
| <b>Screening Date</b> 25-Jun-2007  |  | <b>Docket No.</b> 2007-1005-AIR-E  |                                | <b>PCW</b>   |  |   |
| <b>Respondent</b> Big Tex Trailer Manufacturing, Inc.  |  | <i>Policy Revision 2 (September 2002)</i>  |                                |  |  |   |
| <b>Case ID No.</b> 33959   |  | <i>PCW Revision May 25, 2007</i>   |                                |  |  |   |
| <b>Reg. Ent. Reference No.</b> RN102565868   |  |  |                                |  |  |   |
| <b>Media [Statute]</b> Air   |  |  |                                |  |  |   |
| <b>Enf. Coordinator</b> Jessica Rhodes   |  |  |                                |  |  |   |
| <b>Violation Number</b>  |  | <input type="text" value="1"/>   |                                |  |  |   |
| <b>Rule Cite(s)</b>  |  | 30 Tex. Admin. Code § 116.110(a) and Tex. Health & Safety Code §§ 382.085(b) and 382.0518(a)   |                                |  |  |   |
| <b>Violation Description</b>   |  | Failed to obtain a permit. Specifically, New Source Review Permit No. 30791 expired on July 8, 2006, and the respondent did not submit a new application until September 18, 2006. |                                |  |  |   |
| <b>Base Penalty</b>  |  |  |                                |  | <input type="text" value="\$10,000"/>          |   |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b>  |  |  |                                |  |  |   |
| <b>OR</b>  |  | <b>Harm</b>  |                                |  | <b>Percent</b> <input type="text" value="0%"/> |   |
|  |  | Major  | Moderate                       | Minor  |  |   |
|  |  | Actual   | Potential                      | Potential  |  |   |
|  |  | <input type="text"/>   | <input type="text"/>           | <input type="text"/>   |  |   |
|  |  | <input type="text"/>   | <input type="text"/>           | <input type="text"/>   |  |   |
| <b>&gt;&gt; Programmatic Matrix</b>  |  |  |                                |  |  |   |
|  |  | Falsification  | Major                          | Moderate   | Minor  | <b>Percent</b> <input type="text" value="10%"/> |
|  |  | <input type="text"/>   | <input type="text" value="x"/> | <input type="text"/>   | <input type="text"/>                           |   |
| <b>Matrix Notes</b>  |  | <input type="text" value="100% of the requirement was not met."/>  |                                |  |  |   |
| <b>Adjustment</b>  |  |  |                                |  | <input type="text" value="\$9,000"/>           |   |
|  |  |  |                                |  | <input type="text" value="\$1,000"/>           |   |
| <b>Violation Events</b>  |  |  |                                |  |  |   |
| <b>Number of Violation Events</b>  |  | <input type="text" value="12"/>  |                                | <b>Number of violation days</b> <input type="text" value="352"/>           |  |   |
| <i>mark only one with an x</i>   |  | daily  | <input type="text"/>           | <b>Violation Base Penalty</b> <input type="text" value="\$12,000"/>        |  |   |
|  |  | monthly  | <input type="text" value="x"/> |  |  |   |
|  |  | quarterly  | <input type="text"/>           |  |  |   |
|  |  | semiannual   | <input type="text"/>           |  |  |   |
|  |  | annual   | <input type="text"/>           |  |  |   |
|  |  | single event   | <input type="text"/>           |  |  |   |
| <input type="text" value="Twelve monthly events recommended from the permit expiration date (7/8/06) to the screening date (6/25/07)."/> |  |  |                                |  |  |   |
| <b>Economic Benefit (EB) for this violation</b>  |  |  |                                | <b>Statutory Limit Test</b>  |  |   |
| <b>Estimated EB Amount</b>   |  | <input type="text" value="\$288"/>   |                                | <b>Violation Final Penalty Total</b> <input type="text" value="\$12,000"/> |  |   |
| <b>This violation Final Assessed Penalty (adjusted for limits)</b>   |  |  |                                |  | <input type="text" value="\$12,000"/>          |   |

**Economic Benefit Worksheet**

Respondent Big Tex Trailer Manufacturing, Inc.

Case ID No. 33959

Reg. Ent. Reference No. RN102565868

Media Air

Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

**Delayed Costs**

|                          |         |            |            |     |       |     |       |
|--------------------------|---------|------------|------------|-----|-------|-----|-------|
| Equipment                |         |            |            | 0.0 | \$0   | \$0 | \$0   |
| Buildings                |         |            |            | 0.0 | \$0   | \$0 | \$0   |
| Other (as needed)        |         |            |            | 0.0 | \$0   | \$0 | \$0   |
| Engineering/construction |         |            |            | 0.0 | \$0   | \$0 | \$0   |
| Land                     |         |            |            | 0.0 | \$0   | n/a | \$0   |
| Record Keeping System    |         |            |            | 0.0 | \$0   | n/a | \$0   |
| Training/Sampling        |         |            |            | 0.0 | \$0   | n/a | \$0   |
| Remediation/Disposal     |         |            |            | 0.0 | \$0   | n/a | \$0   |
| Permit Costs             | \$3,000 | 8-Jul-2006 | 8-Jun-2008 | 1.9 | \$288 | n/a | \$288 |
| Other (as needed)        |         |            |            | 0.0 | \$0   | n/a | \$0   |

Notes for DELAYED costs

Estimated cost to obtain a permit. Date required is based upon the first day of the violation. Final date is based upon projected date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance **\$3,000**TOTAL **\$288**

# Compliance History

Customer/Respondent/Owner-Operator: CN600615967 Big Tex Trailer Manufacturing, Inc. Classification: AVERAGE Rating: 2.32

Regulated Entity: RN102565868 ODESSA PLANT Classification: AVERAGE BY Site Rating: 3.01  
DEFAULT

ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER ML0151K  
AIR NEW SOURCE PERMITS PERMIT 79936

Location: 12400 W INTERSTATE 20 E, ODESSA, TX, 79765 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 07 - MIDLAND

Date Compliance History Prepared: June 25, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 25, 2002 to June 25, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Jessica Rhodes Phone: (512) 269-2879

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? Big Tex Trailer Manufacturing, Inc.
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
  - B. Any criminal convictions of the state of Texas and the federal government.  
N/A
  - C. Chronic excessive emissions events.  
N/A
  - D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 05/23/2007 (559353)
  - E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
  - F. Environmental audits.  
N/A
  - G. Type of environmental management systems (EMSs).  
N/A
  - H. Voluntary on-site compliance assessment dates.  
N/A
  - I. Participation in a voluntary pollution reduction program.  
N/A
  - J. Early compliance.  
N/A
- Sites Outside of Texas  
N/A





# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
BIG TEX TRAILER  
MANUFACTURING, INC.  
RN102565868**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1005-AIR-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Big Tex Trailer Manufacturing, Inc. ("Big Tex") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Big Tex appear before the Commission and together stipulate that:

1. Big Tex owns and operates a spray coating operation at 12400 West Interstate 20 East in Odessa, Midland County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and Big Tex agree that the Commission has jurisdiction to enter this Agreed Order, and that Big Tex is subject to the Commission's jurisdiction.
4. Big Tex received notice of the violations alleged in Section II ("Allegations") on or about May 28, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Big Tex of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Twelve Thousand Dollars (\$12,000) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Big Tex has



paid Nine Thousand Six Hundred Dollars (\$9,600) of the administrative penalty and Two Thousand Four Hundred Dollars (\$2,400) is deferred contingent upon Big Tex's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Big Tex fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Big Tex to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Big Tex have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on September 18, 2006, Big Tex submitted a permit application.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Big Tex has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Plant, Big Tex is alleged to have failed to obtain a permit, in violation of 30 TEX. ADMIN. CODE § 116.110(a) and TEX. HEALTH & SAFETY CODE §§ 382.085(b) and 382.0518(a), as documented during an investigation conducted on May 10, 2007. Specifically, New Source Review Permit No. 30791 expired on July 8, 2006, and Big Tex did not submit a new application until September 18, 2006.

## **III. DENIALS**

Big Tex generally denies each allegation in Section II ("Allegations").



#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Big Tex pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Big Tex's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Big Tex Trailer Manufacturing, Inc., Docket No. 2007-1005-AIR-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that Big Tex shall undertake the following technical requirements:
  - a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests, or by any other deadline specified in writing; and
  - b. Within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to operate a source of air emissions has been obtained or that operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public, and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087



with a copy to:

Air Section, Manager  
Midland Regional Office  
Texas Commission on Environmental Quality  
3300 North A Street, Building 4, Suite 107  
Midland, Texas 79705-5404

3. The provisions of this Agreed Order shall apply to and be binding upon Big Tex. Big Tex is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
4. If Big Tex fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Big Tex's failure to comply is not a violation of this Agreed Order. Big Tex shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Big Tex shall notify the Executive Director within seven days after Big Tex becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Big Tex shall be made in writing to the Executive Director. Extensions are not effective until Big Tex receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Big Tex in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Big Tex, or three days after the date on which the Commission mails notice of the Order to Big Tex, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

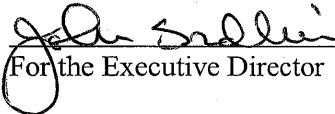




## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

10/27/2007  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

8/1/07  
\_\_\_\_\_  
Date

STAN GARRETT  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Big Tex Trailer Manufacturing, Inc.

Controller  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

